

Chapter LV – Topsfield Scenic Road By-Law Rules and Regulations

1. Fees: The application fee for a Special Permit to change or alter a part of a wall on a designated Scenic Road shall be \$75.00. The application fee for a Special Permit to remove or significantly alter a tree on a designated Scenic Road shall be \$75.00. The cost of mailings and advertising as described below will be born by the applicant.

2. Application Procedures:

- a. The applicant shall apply using the Scenic Road Application Form. A clear and legible plan demonstrating the scope of the proposed work shall be submitted with the application. The plan shall include all proposed changes including any alteration and/or removal of trees, modifications to sections of stone wall(s) on the scenic road, reconstruction of walls and replanting of trees. Written approval of the proposed changes by the Highway Superintendent and the Tree Warden shall accompany the application.
- b. Under the direction of the Permit Granting Authority, notification of a public hearing shall be advertised in local papers on two successive weeks prior to the date of the hearing. The last notification shall be at least seven days prior to the public hearing. The cost of advertising shall be born by the applicant.
- c. The applicant shall include a list of abutters and their addresses as part of the application. Abutters shall be notified by certified mail at least two weeks prior to the public hearing. The cost of such certified notification shall be born by the applicant. Proof of receipt of the certified letters shall be provided at the public hearing.
- d. The applicant shall be the owner of the property. The applicant shall appear before the Planning Board at said public hearing and present the plan for changes on the scenic road.
- e. The Planning Board reserves the right to continue the Public Hearing if the application is incomplete, additional information is deemed necessary or corrective action needs to be taken by the applicant.

3. Action of the Permit Granting Authority. The Permit Granting Authority may approve, approve with modifications, or disapprove an application filed under the Scenic Road By-law. The decision of the Permit Granting Authority shall be filed with the Town Clerk. Upon approval by the Board, there shall be a 20-day appeal period after which time the Town Clerk shall issue a Certificate of No Appeal. Approved changes to the scenic road may then commence. Should the Board disapprove the application, the reason(s) for the denial shall be filed with the Town Clerk, and the Highway Superintendent and Tree Warden shall be notified.

4. Appeals. The applicant may appeal the decision of the Permit Granting authority to the Board of Selectmen within 30 days of the filing of the decision with the Town Clerk. The Board of Selectmen shall hear the appeal within 60 days of receipt of a notice of appeal. The appeal shall be submitted to the Board of Selectmen by certified letter in which the reasons for the appeal are itemized.

5. Enforcement Authority. The enforcing authority for all actions within the scope of the Scenic Road By-law shall be the Planning Board and/or its agents, i.e. the Highway Superintendent, the Tree Warden and the Land Use Coordinator.

6. Fines for violations of the Scenic Road By-law shall be as cited in the By-law.